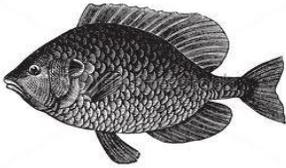


REGULAR MEETING BOARD MINUTES

Wednesday – October 13, 2021 @ 6:00 pm
7421 Main Street West, Webster, WI



VILLAGE OF WEBSTER

- I. **CALL TO ORDER** – Village President, Jeff Roberts called the meeting to order at 6:00 p.m.
- II. **ROLL CALL** – Village President, Jeff Roberts; Trustees: Kelsey Gustafson; Tim Maloney; Aaron Sears; Bill Summer; Greg Widiker and Charlie Weis. Others present: Webster Police Chief, Stephenie Wedin; Public Works Director, Jay Heyer; Clerk/Treasurer, Debra Doriott-Kuhnly; Chamber of Commerce Secretary/Treasurer, Harriet Rice; Village Residents Russ Burford and Ed Dedman; Burnett County Highway Commissioner, Mike Hoefs; Greg Marsten–Burnett County Sentinel; and Cindy Mickelson–Inter-County Leader. Absent: None.
- III. **PUBLIC NOTICE OF AGENDA, DELETIONS/CORRECTIONS** –President, Roberts informed the Board a correction to the agenda: adding possible approval under Public Input- Harriet Rice. Motion made by Trustee, Summer to approve the agenda, with the correction; seconded by Trustee, Sears. **Motion carried 7-0.**
- IV. **VISITOR RECOGNITION** –President Roberts gave the floor to Chamber Secretary/Treasurer, Harriet Rice. Harriet started with the topic of updating and redesigning the Chamber/Village website. She provided a sample and description of the proposed updates. The cost of the update, redesign and maintenance of the website would be split between the Chamber and the Village. The Village’s portion would be \$470 which includes 3 months maintenance. Since Nancy Herman, Yellow River Advertising and Design, initially designed the website and with her skillset; Harriet proposed hiring Nancy for updating, redesigning and conduct maintenance. She also talked of the need for easy access to information for visitors of the area. Harriet then spoke of a project she will be working on to contact area businesses about the Chamber and solicit donations and their interest in being included under the Business Directory on the website. She has taken over the Chamber email – websterwichamber@gmail.com. Trustee, Maloney talked about the businesses paying for the business directory. Harriet added that business donations would also help sponsor other Chamber events, such as Gandy Dancer Days. Roberts said the cost of the website will be included in the budget conversation next week.

Next, Harriet informed the Board that 2022 will be the 25th Anniversary for Gandy Dancer Days and she would like to ‘think big and do it up right.’ Traci Hopkins, with Central Burnett County Fair Association, has given Harriet some ideas- one of those being moving fireworks from 4th of July to Gandy Dancer Days. She asked the Board to think of any ideas and share with her. Harriet said the top plywood boards of the stage, in the Beer Gardens, are rotting and needing replacement. Trustee, Weis told Harriet to bring this to the Lions Club.

Lastly, Harriet shared two designs for the Chamber Logo (which piggybacks of the Village’s logo). The Board said Wisconsin spelled out.

Next, Roberts gave the floor to Village Resident, Russ Burford. Russ provided a recap of his findings and concerns regarding TIF District #3 and the process of creating TIF District #3. In reviewing the MSA prepared project plan he found 2 flaws: one in the tax parcel chart and one in the cash flow analysis. This led him to investigate the tax parcel chart in more depth and he discovered many parcels on Main Street was left off. He then identified the parcels by property owner name and address, discovered Mr. Dedman's property and Mr. Dedman's appointment to the Planning Commission. (Russ said he has no ill will towards Mr. Dedman.) Russ said this appeared to him as a conflict of interest and a violation of WI. Open Meeting Laws. He brought these concerns to the Planning Commission yet the Commission, including Mr. Dedman, voted to approve the plan with instructions to MSA to correct the errors. Later, he attended the Special Board Meeting and the Trustees and the Public had not yet received/reviewed a corrected plan. At that meeting he expressed his opinion there should be a Public Notice and an opportunity for the Public to do so. Again, he noted the appointment of Mr. Dedman's appointment to the Planning Commission was problematic and carefully consider the ramifications before they (Trustees) voted (on approving the creation of TIF District #3). The motion was made to approve, and the majority of the Trustees did vote to approve the plan. The day after the Special Board Meeting, he got a call from the Village Clerk/Treasurer informing him that he was correct that the appointment of Mr. Dedman was not done correctly. He was also informed that the entire Planning Commission had not been properly constituted for a very long time. This confirmed some of his own research. A day later, he received an email from Village President, Roberts confirming the issues with the appointments to the Planning Commission and had not been done correctly in maybe 20 years. Prior to the next step in the TIF approval process, he received an updated version of the MSA prepared project plan. He saw the problem with cash flow analysis had been corrected but there was still 1 parcel missing on the tax parcel chart. At the next Joint Review Board Meeting, he brought up the missing parcel and informed the board that the Planning Commission had not been properly constituted. The Village President confirmed this. After much discussion, a motion to approve the project plan was made and seconded and the Joint Review Board voted unanimously to approve. Russ said he has agonized whether he should challenge this with WI DOR or the courts. After much thought, he said it has come apparent to him that the responsibility for the decisions regarding TIF District #3 resides not with him but with the Board, the elected Trustees of the Village of Webster. Russ then said the Board has until the end of December to rescind the creation resolution and withdraw the TIF District #3 request. He is asking the Board to do just that. He said each Trustee carries the burden to faithfully follow the Village Ordinances and WI Statues, cannot escape this responsibility and Trustees are holders of the public trust; just as the titles imply. He stated that each of Trustees is aware that the Village Planning Commission is not a legally constituted legally body; some may have been unaware of this when the Planning Commission voted to approve the TIF and he acknowledges that. He said the board could also claim that they were unaware when voted at the Special Board Meeting to approve the plan and forward to the Joint Review Board. Because of that, might regard this as a simple mistake. He said we all make mistakes and realizes this was a simple mistake but it's not that simple. He went on to say that the Board was fully aware of this defect when the plan was presented to the Joint Review Board. He used the expression "the fruits from a poisoned tree" to describe when the Village presented the plan the Joint Review Board. No matter how the Trustees may rationalize it, the Trustees can not deny that they knowingly did so. He then asked, does the end justify the means? And if so, he believed it is a slippery slope. He then spoke of philosophers debating 'does the end justify the means', rationalizing and handed Kuhnly an article to give to the Board and he shared a quote from the author of this article. In conclusion, he asked each Trustee to consider what he presented, rescind the TIF resolution and withdraw it from the Department of Revenue. President, Roberts confirmed Russ knew that nothing could be done tonight as it is not on the agenda.

- V. **APPROVAL OF MINUTES:** Motion was made by Trustee, Weis to approve the September 8, 2021 Public Hearing Meeting Minutes; seconded by Trustee, Maloney. **Motion carried 7-0.** Motion was made by Trustee, Weis to approve the September 8, 2021 Regular Board Meeting Minutes; seconded by Trustee, Summer. **Motion carried 7-0.** Motion was made by President, Robert to approve the September 15, 2021 Joint Review Board Meeting Minutes; seconded by Trustee, Gustafson. **Motion carried 7-0.** Motion was made by President, Robert to approve the September 15, 2021 Planning Commission Meeting Minutes; seconded by Trustee, Widiker. **Motion carried 7-0.** Motion was made by Trustee, Widiker to approve the September 29, 2021 Special Board Meeting Minutes; seconded by Trustee, Weis. **Motion carried 7-0.** Motion was made by President, Roberts to approve the October 6, 2021 Joint Review Board Meeting Minutes; seconded by Trustee, Summer. **Motion carried 7-0.**
- VI. **APPROVAL OF VOUCHERS & RECEIPTS: September 1, 2021 – October 11, 2021** vouchers in the amount of: **\$146,818.44** as follows:
- a. General Fund - \$106,658.53
 - b. Water Fund - \$13,052.18
 - c. Sewer Fund - \$17,067.54
 - d. TID - \$154.41
 - e. Library Fund - \$9,885.78
- Approval of receipts were also presented for: **September 1, 2021 – October 11, 2021** in the amount of **\$47,266.72.** Motion was made by Trustee, Widiker; seconded by Trustee, Gustafson to approve vouchers in the amount of: **\$146,818.44** and receipts in the amount of **\$47,266.72.** **Motion carried 7-0.**
- VII. **COMMUNICATIONS:** Burnett County Newsletter was included in member's packets.
- VIII. **PERSONNEL – Chairman, Bill Summer:** Nothing new to report. Next meeting is Monday, October 18 at 6:00 p.m.
- IX. **PUBLIC UTILITY – Chairman, Aaron Sears:** Nothing new to report.
- X. **FINANCE – Chairman, Greg Widiker:** Chairman, Widiker started his portion with discussion on advertising in the annual Burnett County Visitor Guide. He reminded the board that the Village usually pays for ½ page full color ad and the cost is the same this year as last year. Motion made by Trustee, Weis to purchase ½ page full color advertisement in the 2022 Burnett County Visitor Guide; seconded by Trustee, Sears. **Motion carried 7-0.**
- Next, Widiker gave the floor to Clerk/Treasurer Kuhnly. Kuhnly explained that the Village should establish a new Fund Account for ARPA funding. If this money is left in the General Fund, it could negatively impact the levy limit. Motion made by Trustee, Maloney to create a new Fund Account; seconded by Trustee, Gustafson. **Motion carried 7-0.**
- XI. **PUBLIC PROPERTY – Chairman, Tim Maloney:** Informational Only. Chairman, Maloney told the board that the Webster Rural Fire Association held their annual meeting on October 6th. The budget was only raised by \$500. Maloney provided an update on the forthcoming new fire truck. The chassis will be due in January and the Rural Fire has the amount of this budgeted. Oakland Township will take on the

debt for the remaining amount for the new fire truck; about \$321,000. Maloney reported there are 31 members and they had 304 first responder calls.

Maloney informed the board that the Library has also set their 2022 budget. He reminded the board that Hutch Schilling, CEO of Nexen, put out a challenge to the Library to raise \$30,000 and he would match. With this, the Library could pay off their mortgage (five years early). To date, the Library has raised over \$22,000 of the \$30,000.

XII. STREETS – Chairman, Kelsey Gustafson: Chairman, Gustafson introduced agenda item: Repaving Alder Street East. He reported that Burnett County Highway Department has contacted the village about a joint effort on a county road that runs into the village. He then gave the floor to Burnett County Highway Commissioner, Mike Hoefs to explain. The program he is working through is the Surface Transportation Program and is a Federal entitlement program. Any road in the County is eligible; this includes village streets; which is Alder Street East from Highway 35 out to the end of village limits and where County Road X starts. Initially, he was looking at applying for funding to reconstruct County Rd X from where it starts out to Gaslyn Road. After learning the Village's Street (Alder St E) would also qualify, he is looking to partner with the Village. This partnership would increase the scoring/points for the application. It is 80/20 cost share: 80% Federal Funding and 20% Village of the Alder Street East portion. The soonest any construction would take place is in 2024/2025. Taking inflation into consideration, the estimated cost would be \$110,000 to \$130,000. Sidewalks and storm sewers are not included in this estimate. After the work is done, he recommends changing jurisdiction over to the County. At least the driving lanes. This would benefit the Village 20-30 years from now; when it comes time to reconstruct it again and the Village wouldn't have to pay for it. The State would hire contractors to do the work. The State would pay and then bill the Village. The County would submit the application with the deadline being 5 pm on Friday. Mike mentioned there is also a LRIP deadline coming up and Webster is once again up for funding. This is for street improvements in the Village. There are three portions of this grant: entitlement, discretionary, and supplemental. Motion made by Trustee, Gustafson to join Burnett County Highway Department on the project to repave Alder Street East; seconded by Trustee, Summer. Trustee, Weis asked if there are any water or sewer issues in that area. Heyer suggested replacing the water main (under Alder St) as the DNR recommends this whenever rebuilding a road. Mike said the Village would be responsible for this cost and not part of the funding. **Motion carried 7-0.**

The second thing Chairman, Gustafson had to discuss was the Highway 35 project that the DOT is planning on doing in 2027. Heyer has talked to the DOT and several emails have been exchanged. Commissioner, Mike Hoefs provided detail on the DOT plan to resurface (mill and repaving) Highway 35 from the Government Center to County Road A. If the Village thinks reconstruction, not resurfacing, is what is really needed, then the Village can talk to DOT about that. President, Roberts said the Village may want to talk to DOT about reconstruction as the highway will need to be dug up to replace old transite water main. Gustafson pointed out that no decision will be made tonight – just saying information. Trustee, Widiker brought up Highway 35 from County Road FF/Hickory Street to Oak Street is in bad shape and doesn't feel it will make it until 2027. Heyer agreed and doesn't know if the DOT has any maintenance scheduled on that section. Hoefs said it will be up to the County to try to hold it together until 2027, but too late for this year.

XIII. JUDICIAL – Chairman, Charlie Weis: The Police Department schedules for October – December was handed out. Chief, Wedin read the monthly calls for service – total of 47.

President, Roberts covered the next agenda item: Planning Commission Appointments. Roberts stated that Russ Burford has brought up the issues (appointments) with the Planning Commission Board Members. A copy of the current ordinance was included in the meeting packet. Roberts read, in part, the ordinance; appointments should be done at the Village Board Reorganization meeting held in May and staggered terms. No decisions will be made tonight but is asking the board to think of how to correct this; either rewrite the ordinance or reappoint three new people and stagger their terms in May. He also pointed out the Planning Commission does not meet that often, yet the current situation (appointments) needs to be corrected. Roberts acknowledged he was not aware of the ordinance and in fact, has been on the board for over twenty years and doesn't remember this being done correctly. He said this doesn't make it right...it needs to be corrected. Trustee, Maloney suggested the Judicial Committee discuss the options and make their recommendations back to the Board. Chairman, Weis agreed this will be covered in the next Judicial meeting, with an open invitation to the board.

Chairman, Weis read Resolution #2021-04: To Create Municipal Wards in the County of Burnett County. Motion made by President, Roberts to approve Resolution #2021-04; seconded by Trustee, Maloney. Kuhnly said the Village is going from two wards to one ward. **Motion carried 7-0.** Resolution signed by all board members.

XIV. DEVELOPMENT & ANNEXATION – Village President, Jeff Roberts: Nothing New to Report.

XV. CHAMBER OF COMMERCE - Harriet Rice discussed earlier under the public input portion of the meeting.

XVI. WEBSTER RURAL FIRE ASSOCIATION MEETING UPDATE – Trustee, Tim Maloney: Discussed earlier in the Public Property portion of the meeting

XVII. ANNOUNCEMENTS & FUTURE MEETINGS:

- **October 18, 2021 *Personnel Committee Meeting @ 6:00 p.m.**
- **October 20, 2021 *Budget Workshop Meeting @ 6:00 p.m.**
- **November 10, 2021 *Regular Board Meeting @ 6:00 p.m.**
- **November 16, 2021 *Judicial Committee Meeting @ 6:00 p.m.**
- **TBD – Public Hearing to Adopt 2022 Budget**

XVIII. ADJOURNMENT. Motion was made by Trustee, Weis; seconded by Trustee, Sears to adjourn the meeting at 7:28 p.m. **Motion carried 7-0.**

Respectfully submitted,

Debra Doriott-Kuhnly

Debra Doriott-Kuhnly, Clerk-Treasurer

October 13, 2021

***These minutes are subject to approval at next month's Regular Meeting.

Village President, Jeff Roberts

Trustee, Kelsey Gustafson

Trustee, Tim Maloney

Trustee, Aaron Sears

Trustee, Bill Summer

Trustee, Charlie Weis

Trustee, Greg Widiker

Attest: _____
Clerk-Treasurer